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### **REMARKS**

Applicants have cancelled claims 39-56 without prejudice or disclaimer of the subject matter therein and present new claims 68-88 herein, requesting entry and examination. No new matter has been added as a result of these amendments. The following remarks are respectfully submitted.

#### **I. Rejections Under 35 USC §102**

Claims 39, 40, 43, 45-50, 52-59 and 61-67 are rejected under 35 USC 102(b) as being anticipated by Avitall (U.S. 5,441,483).

Applicants have cancelled claims 39, 40, 43, 45-50 and 52-56, without prejudice or disclaimer of the subject matter therein, rendering the rejection to these claims moot. Applicants traverse the rejection of claims 57-59 and 61-67 asserting that Avitall is not a proper 102(b) reference.

As the Examiner is well aware a proper §102-type rejection must be based on a reference teaching each and every element of the claim(s) rejected. Independent claim 57 defines a catheter comprising a distal section including a proximal segment, an intermediate segment and a distal segment, and proximal and distal insulators facilitating junctions between proximal and intermediate segments and between distal and intermediate segments, respectively. Independent claim 67 defines a catheter comprising a distal section including a first segment and a distal segment and a distal insulator facilitating a junction between the first segment and the distal segment. Furthermore claims 57 and 67 define a deflection member coupled to a respective insulator. Avitall does not teach or show insulators facilitating junctions between segments of distal catheter segment 14 nor even junctions between segments; rather Avitall teaches that distal catheter segment, i.e. 14, consists of "a segment of a length of 3 to 30 cm of flexible reinforced polymer tubing" (column 7, lines 31-33) or a "main or outer catheter tube 162" (column 10, line 24). In all the embodiments of Avitall, notches, i.e. 50, 52, and 164, define segments of a continuous distal

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catheter segment, for example of catheter tube 14 (reference column 7, line 42-column 8, line 3). Furthermore Avitall teaches control wires, i.e. 24 and 26, are permanently attached to an inner wall of the distal catheter segment, for example by T members 56 and 58 (reference Figure 2A and column 8, lines 4-10).

In light of the differences set forth herein between the claimed matter and the matter taught by Avitall, applicants respectfully request that the Examiner withdraw the rejection to claims 57-59 and 61-67.

## **II. Rejections under 35 USC §103**

Claim 42 is rejected under 35 USC §103 (a) as being unpatentable over Avitall as applied to claim 39 above, and further in view of Webster Jr. (U.S. 5,626,136).

Applicants have cancelled claim 42, without prejudice or disclaimer of the subject matter therein, rendering the rejection to this claim moot.

## **III. Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Respectfully submitted,

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